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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/919,372      | 07/31/2001  | Vadim Gutnik         | 5347-205            | 2525             |

20792 7590 03/26/2004

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| EXAMINER |
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CHUNG, PHUNG M

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| ART UNIT | PAPER NUMBER |
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2133

DATE MAILED: 03/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

pre

**Office Action Summary**

**Application No.**

09/919,372

**Applicant(s)**

GUTNIK ET AL.

**Examiner**

Phung My Chung

**Art Unit**

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6-7, 14, 18-19 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Manning (5,940,608).

As per claims 1 and 6-7, Manning discloses the invention substantially as claimed, comprising: a first clock circuit that is configured to generate a first clock signal;

A second clock circuit that is configured to generate a second clock signal; and

A phase detector circuit that is connects the first clock circuit to the second clock circuit and is configured t generate a result error signal corresponding to the phase difference. (See Abstract, Fig. 3 and col. 3, lines 18-35).

As per claims 14 and 18, these method claims are also rejected under the same rationale as set forth in claims 1 and 6.

As per claims 19 and 23-24, these system claims are also rejected under the same rationale as set forth in circuit claims 1 and 6-7.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2-5, 8-13, 15-17, 20-22 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manning (5,940,608).

As per Claims 2-5, 8-13, 15-17, 20-22 , the teaching of Manning has been discussed above. Manning does not disclose a third clock circuit that is configured to generate a third clock signal; a second phase detector circuit that connects the first clock circuit to the third clock circuit and configured to generate the second error signal, a means for summing the error signals to generate a composite error signal; a means for filtering the composite error signal to generate a control signal; and a means for generating the first clock signal responsive to the control signal. However, Manning already disclosed the first and second clock circuits configured to generate the first and second clock signals, and the phase detector that is connected to the first and second clock circuits and is configured to generate the error signal. (See Abstract, Fig. 3 and col. 3, lines 18-35). Manning further discloses a loop filter that is configured to

generate a control signal at an output terminal thereof, and an oscillator that is configured to generate the first clock signal responsive to the control signal.

(Col. 2, lines 39-44).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to set a third clock circuit that is configured to generate a third clock signal; and a second phase detector circuit that connects the first clock circuit to the third clock circuit and configured to generate the second error signal; a means for filtering the composite error signal to generate a control signal; and a means for generating the first clock signal responsive to the control signal so that errors can be quickly detected and corrected.

As per claims 25-26, the teaching of Manning has been discussed above.

Manning further discloses a means for synchronizing phases of the clock signals to one another. (Col. 3, lines 14-25).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 703-305-9686. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PHUNG M. CHUNG  
PRIMARY EXAMINER